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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

11 TRINA BRITAIN, KARL BEAVERS,
12 RONALD BROOKS, BRET CEGAVSKE,
13 BILLY CRANK, DENNIS CURRAN, KEVIN
14 ECKHART, KENNETH HAWKES, RANDY
15 HAWKES, IAN MASSY, RIC MOON,
16 GRAJEDA NUBIA, MICHAEL PETTY,
KAREN PIXLER, ERIC PRUNTY,
ANTHONY RUSSO, TOM SERRANO,
ANTHONY SMITH, MICHAEL SMITH,
ENRIQUE STIEGELMEYER, ANTHONY
VOGEL, and LAMONS WALKER,

Plaintiff,

vs.

CLARK COUNTY, NEVADA

Defendant.

CASE NO. 2:12-cv-1240-JAD-NJK

**STIPULATION AND ORDER TO
EXTEND TIME TO FILE MOTION FOR
APPROVAL OF SETTLEMENT**

(FIRST REQUEST)

The Parties, by and through the undersigned counsel of record, move the Court to extend the parties' deadline to file a Motion for Settlement Approval up to and including May 30, 2017.

In support of this Motion, the Parties state as follows:

1. On April 4, 2017, the parties participated in a settlement conference, overseen by Magistrate Judge Nancy J. Koppe. As a result of this conference, the parties were able to reach a

1 settlement in this matter. Because this matter is a conditionally certified collective action under
2 Section 216(b) of the Fair Labor Standards Act, the settlement requires approval by the Court.

3 2. At the close of the settlement conference, the parties went on the record to set forth
4 the essential terms of the settlement. Magistrate Judge Koppe then set several tentative deadlines
5 for the parties to finalize the settlement agreement and move to approve the settlement. The
6 deadline to file a motion to approve the settlement agreement was set for May 2, 2017. ECF #200.
7

8 3. Since April 4, 2017, the parties have been negotiating the language for the
9 Settlement Agreement, which will be submitted to the parties for review and approval after the
10 final revisions are incorporated. Additional time will be necessary to obtain approval and
11 signatures from all of the parties because some of the parties have relocated and no longer reside
12 in the State of Nevada
13

14 4. The parties are also negotiating the language of a Notice of Settlement to Opt-in
15 Plaintiffs. This Notice would, as required by case law, provide “the opt-in plaintiffs [with] notice
16 of the settlement and an opportunity to object.”. *Tommey v. Computer Scis. Corp.*, No. 11-cv-
17 2214, 2015 U.S. Dist. LEXIS 48011, at *3 (D. Kan. April 13, 2015); *see also Howard v.*
18 *Centrinex, LLC*, No. 15-9918-JWL, 2016 U.S. Dist. LEXIS 159652, at *2 (D. Kan. Nov. 17, 2016)
19 (“Although the FLSA does not require a fairness hearing like that required for settlements of class
20 actions brought under Federal Rule of Civil Procedure 23, many courts have determined that
21 fairness hearings should be held unless the parties notify the court that the opt-in plaintiffs had
22 notice of the settlement and an opportunity to object.”). This will be sent to the opt-in plaintiffs
23 once the parties have signed the Settlement Agreement.
24

25 5. The parties respectfully request 28 additional days, up to and including May 30,
26 2017 within which to file a Motion for Approval of their settlement. This extension will give the
27 parties the opportunity to obtain the signatures of all Named Plaintiffs and provide notice to the
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1 opt-in plaintiffs prior to filing the anticipated joint motion to approve the settlement agreement,
2 some of whom have relocated and no longer reside in the State of Nevada.

3 6. This motion is filed for good cause and not for purposes of undue delay or any
4 other improper purpose.

5 WHEREFORE, the Parties respectfully request an extension of time, up to and including
6 May 30, 2017, within which to file a Motion for Settlement Approval.

7 Dated this 2nd day of May, 2017.

Dated this 2nd day of May, 2017.

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9 LEWIS BRISBOIS BISGAARD & SMITH LLP

LAW OFFICE OF DANIEL MARKS

10 /s/ Cayla Witty

/s/ Daniel Marks

11 Robert W. Freeman, Esq.

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Attorney for Defendant

Attorneys for Plaintiffs

Dated this 2nd day of May, 2017.

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/s/ Steven J. Parsons-

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Attorneys for Certain Plaintiffs

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23
24 **ORDER**

25 IT IS SO ORDERED.

26 Dated May 3

_____, 2017.

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28 
United States Magistrate Judge